

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re:

LEHMAN BROTHERS HOLDINGS, INC., et al.,

Debtors.

FIRSTBANK PUERTO RICO,

Plaintiff-Appellant,

- against -

BARCLAYS CAPITAL INC.,

Defendant-Appellee.

No. 13-CV-04732 (NRB)

**STIPULATION AND ~~(PROPOSED)~~
ORDER**

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DATE FILED: 07/24/2013

Plaintiff FirstBank Puerto Rico ("FirstBank") filed a Notice of Appeal on June 5, 2013 from the Order Denying Motion of FirstBank Puerto Rico for Summary Judgment, Granting Motion of Barclays Capital Inc. for Summary Judgment, and Setting Briefing Schedule for Motion of Barclays Capital Inc. for Civil Contempt Sanctions, entered by the Hon. James M. Peck on May 23, 2013 (the "May 23 Order"), which Notice of Appeal was docketed in the above-captioned Court on July 9, 2013 (the "Summary Judgment Appeal"). By letter dated July 10, 2013, Barclays Capital Inc. ("Barclays") informed the Court (Hon. Naomi Reice Buchwald) that it wished to file a motion to dismiss the Appeal as premature (the "Proposed Motion") in the absence of a final judgment or final order below and requested a pre-motion conference pursuant to the Court's Individual Practices. By letter dated July 11, 2013, FirstBank indicated that it would oppose the Proposed Motion. At a pre-motion telephone conference with the Court held on July 15, 2013, the parties discussed the possibility of entering into the following stipulation to

reduce costs, preserve judicial resources, and to avoid the possibility that the Proposed Motion would become moot upon the final resolution by Judge Peck of the motion by Barclays for civil contempt sanctions against FirstBank (the "Contempt Motion").

The parties having now conferred with each other and with the Court, hereby stipulate and agree as follows:


1. The briefing schedule for the Summary Judgment Appeal is stayed pursuant to Federal Rule of Bankruptcy Procedure 8009(a) pending the Bankruptcy Court's final resolution of the Contempt Motion and until the parties agree to a briefing schedule within the time set forth below.
2. Should either party seek to appeal from the Bankruptcy Court's final resolution of the Contempt Motion, either party may seek leave to consolidate that appeal with the Summary Judgment Appeal, and each party reserves its right to object to any request to consolidate.
3. Within twenty-one (21) days after final resolution by Judge Peck of the Contempt Motion, the parties shall agree on a briefing schedule applicable to the then pending appeal or appeals which shall be presented to the District Court for approval. If such agreement is not reached within that time period, then the parties shall seek guidance from the District Court by letter with respect to the briefing schedule.
4. In light of the foregoing, and subject to the Court's approval of this Stipulation, Barclays will not file the Proposed Motion.
5. FirstBank's Notice of Appeal filed on June 5, 2013 was filed within the time required by Federal Rule of Bankruptcy Procedure 8002(a) with respect to the May 23 Order, and all of the parties' appellate rights are preserved.

6. This Stipulation may be executed in counterparts with facsimile and/or email signatures treated as originals.

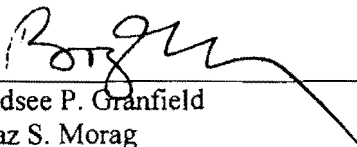
Dated: New York, New York
July 18, 2013

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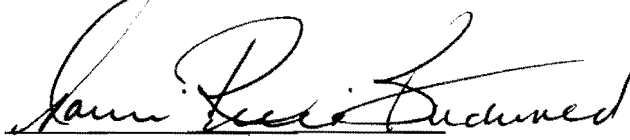
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Barclays Capital Inc.

SO ORDERED



U.S.D.J.

7/24/13